

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:13-cr-30
)	
JOSHUA M FAIRCLOTH)	

ORDER OF COURT

The preliminary hearing under Fed.R.Crim.P. Rule 32.1(b)(1) on the Petition for Warrant or Show Cause Hearing for Offender under Supervision file December 9, 2019 at ECF no. 188 was scheduled for Tuesday, February 18, 2020. The Magistrate Judge reported that the government, represented by AUSA Maureen Sheehan-Balchon, and the defendant represented by Christopher Brown, Esquire, reached an agreement as follows:

- 1) Mr. Faircloth stipulates that he committed a Grade C violation.
- 2) Mr. Faircloth and the government waive the revocation hearing under Fed.R.Crim.P. Rule 32.1(b)(2), and Mr. Faircloth waives allocution.
- 3) The government and Mr. Faircloth agree that given Mr. Faircloth's criminal history category of IV, the United States Sentencing Guidelines § 7B1.4 gives an advisory range of 6-12 months imprisonment for a grade C violation. The maximum term that can be imposed on Mr. Faircloth, given his original conviction for a Class C felony, is limited by 18 U.S.C. § 3583(e) to 24 months. The government recommends and Mr. Faircloth does not oppose a new sentence of time served to be followed by 2 years supervised release with a condition the first 90 days

be spent on home detention with electronic monitoring. Mr. Faircloth is subject to all other conditions of supervised release previously imposed.

After consideration of the foregoing, 18 U.S.C. § 3583, and United States Sentencing Guidelines §§7B1.3 and 4, the following order is entered:

AND NOW, this 26th day of February, 2020, it is ORDERED that defendant Joshua M. Faircloth's term of supervised release is revoked and he is resentenced as follows: He is sentenced to a term of imprisonment of time served with 2 years supervised release to follow. The first 90 days of supervised release the defendant will be subject to home detention with electronic monitoring. Mr. Faircloth is also subject to all other conditions of supervised release that were previously imposed by this Court's judgement imposed July 31, 2014.

Appointment of counsel for the defendant shall continue for purposes of appeal. The defendant is entitled to the continued assistance of appointed counsel if he intends to file a notice of appeal. Counsel shall promptly confer with Mr. Faircloth and determine whether there will be an appeal, and if so counsel shall file a notice of appeal within the period set forth in Fed.R. App.P. Rule 4(b).

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE